

IN THE CIRCUIT COURT FOR HAWKINS COUNTY, TENNESSEE
AT ROGERSVILLE THIRD JUDICIAL DISTRICT

FILED

DEC 01 2020

**RANDALL L. COLLIER
CIRCUIT COURT CLERK
HAWKINS CO., TN**

CAROLYN COPE,

Plaintiff,

V.

WALMART, INC.,

Defendant.

JURY DEMAND

HAWKINS CIRCUIT

NO. 37CC1-2020-CV-219

AEP

DEFENDANT COPY

COMPLAINT

Comes the plaintiff and sues the defendant and for cause of action would show unto the court as follows:

1. Plaintiff is a citizen and resident of Hawkins County, Tennessee residing at 626 Vista Drive, Rogersville, TN.

2. Defendant is a foreign corporation authorized to do business within the State of Tennessee and upon whom service of process may be had by and through its registered agent, CT Corporation System 300 Montview Rd, Knoxville, TN 37919-5546.

3. Defendant is in the business of a retail merchant with thousands of stores located in the United States and with a location in Rogersville, Tennessee on Hwy 66 designated as facility no. 3234.

4. That on December 3, 2019, plaintiff accompanied her daughter to the Rogersville Walmart location for the purpose of Christmas shopping. Plaintiff and her daughter were observing and selecting Christmas decorations when suddenly, without warning, an individual exclaimed "watch out, move!".

5. Plaintiff upon hearing the exclamation looked up and observed one or more boxes falling from the top shelf of a display shelf immediately in front of the plaintiff.

EXHIBIT B

6. Plaintiff immediately moved in a backwards motion in an attempt to avoid the boxes striking her, tripped or lost her balance with the rapid movement, fell in a backwards motion and struck a display case with her shoulder and head.

7. As a result of plaintiff's fall and collision with a display case, she suffered injuries to her back, neck, and left shoulder area as well as aggravated an injury to her right foot, from which she was recovering.

8. As a result of the injuries sustained by the plaintiff aforesaid, she was transported by emergency medical personnel to the Hawkins County Memorial Hospital emergency room where she was treated for her injuries. Plaintiff also was treated for her injuries subsequently by medical doctors and an orthopedic surgeon and has been required to undergo physical therapy in an attempt to recover from her injuries.

9. Due to the injuries sustained by the plaintiff and the medical treatment aforesaid, plaintiff has incurred medical expenses, has been caused to experience great pain and suffering and has incurred a loss of her enjoyment of life due to the pain and suffering and impairments caused by her injuries.

10. The boxes which fell; causing the plaintiff to stumble and fall, were dislodged by the actions of employees of the defendant who were stocking the shelf on the opposite side of the side plaintiff was standing.

11. The falling, collision, and the injuries suffered by the plaintiff were directly and proximately caused by the negligence by the defendant in the breach of its duty of reasonable care to the plaintiff. The injuries suffered by the plaintiff as a result of the actions of the defendant were reasonably foreseeable and as such constituted negligence on the part of the defendant.

WHEREFORE, PREMISES CONSIDERED, PLAINTIFF DEMANDS:

1. That she be awarded judgment against the defendant in the amount of
\$100,000.00.

2. That a jury try this cause.

Carolyn Cope

By: 

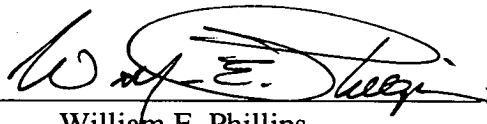
William E. Phillips
Attorney for Plaintiff
PHILLIPS & HALE
210 East Main Street
Rogersville, TN 37857
(423)272-7633
BPR#4235

COST BOND

We secure costs in the above styled matter.

This 12th day of December, 2020.

Phillips & Hale by:



William E. Phillips